

APPEAL NO. 033172
FILED JANUARY 29, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on October 13, 2003. The hearing officer determined that the date of injury was prior to January 1, 1991, and, therefore, the 1989 Act does not apply to this case. The appellant (carrier) files a request for review, contending that the hearing officer's decision that the date of injury was prior to January 1, 1991, is contrary to the evidence and that the hearing officer erred in not resolving the issue of the date of injury. Neither the respondent (claimant), nor her attorney appeared at the CCH and there is no response to the carrier's request for review in the appeal file.

DECISION

Affirmed.

The present case is extremely similar to Texas Workers' Compensation Commission Appeal No. 033175, decided January 29, 2004. In fact, other than the name of the claimant and a slight variation in the dates, which are not significant to the outcome of the case, this case is essentially the same. The carrier appeals the decision of the hearing officer on essentially the same grounds. We, therefore, affirm for essentially the same reasons.

There was sufficient evidence in the record to support the finding of the hearing officer that the date of injury was prior to January 1, 1991, the effective date of the 1989 Act. Once the hearing officer determined that the date of injury was prior to January 1, 1991, she was without jurisdiction to determine anything else, including the exact date of injury. See Appeal No. 033175, *supra*, and citations therein.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **ACE INSURANCE COMPANY OF TEXAS (f/k/a CIGNA INSURANCE COMPANY OF TEXAS)** and the name and address of its registered agent for service of process is

**ROBIN MOUNTAIN
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 200
IRVING, TEXAS 75063.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Edward Vilano
Appeals Judge